

FILED

DISTRICT COURT OF GUAM

APR 17 2006

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

United States of America,
Plaintiff,

vs.

HENRY TAITAGUE QUINTANILLA,
Defendant.

CRIMINAL CASE NO. 95-00128-001

**SUPPLEMENTAL
DECLARATION IN SUPPORT OF PETITION**

Re: Supplemental Violations of Supervised Release Conditions

I, U.S. Probation Officer John W. San Nicolas II, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Henry Taitague Quintanilla, and in that capacity declare as follows:

The following information is a supplement to the Petition for a Summons report filed on April 13, 2006 and is submitted for consideration in addition to violations previously reported.

Mandatory Condition 1: *The defendant shall refrain from any unlawful use of a controlled substance.*

Special Condition 1: *The defendant shall not possess, use, administer, or distribute any narcotic or controlled substance except that prescribed by a physician for medical treatment. In order to ensure compliance, the defendant will be subject to random and scheduled urinalysis testing, and shall attend any drug treatment or aftercare program deemed necessary at his expense.*

On March 29, 2006, Mr. Quintanilla failed to report for scheduled urinalysis at the drug testing vendor. In addition, he failed to report to his probation officer the following day as required to address noncompliance. On April 6, 2006, this Officer met with Mr. Quintanilla to discuss his compliance with drug testing. He stated that he "slept" and "forgot" about his test. He was subjected to a urinalysis, the result of which was presumptive positive for methamphetamine. The sample was sent to Scientific Testing Laboratories, Incorporated, because he denied use of illicit substances. On April 17, 2006, this Officer received the laboratory report which indicated a positive result for amphetamines and methamphetamine for the April 6, 2006 drug test.

ORIGINAL

SUPPLEMENTAL DECLARATION IN SUPPORT OF PETITION
Supplemental Violations of Supervised Release Conditions
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On April 8, 2006, Mr. Quintanilla failed to provide a urine sample as required (stall) at the drug testing vendor. A memorandum from the drug testing vendor noted that he felt "uncomfortable" with the tester being in the bathroom" and stated he would "take the test at the probation office." On April 10, 2006, this Officer met with Mr. Quintanilla to discuss his compliance with drug testing. He stated that the tester made him "feel uneasy." Mr. Quintanilla was subjected to a urinalysis which resulted in a presumptive positive for methamphetamine. The sample was sent to Scientific Testing Laboratories, Incorporated, because he denied use of illicit substances. This Officer has not received the lab report as of this date.

On April 12, 2006, Mr. Quintanilla failed to report for a scheduled urinalysis at the drug testing vendor. In addition, he failed to report to this Officer the following day as required to address noncompliance.

Recommendation: It is respectfully recommended that the Court consider these additional violation information at the revocation hearing.

I declare under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 17th day of April 2006, at Hagatna, Guam, in conformance with provisions of Title 28 U.S.C. § 1746.

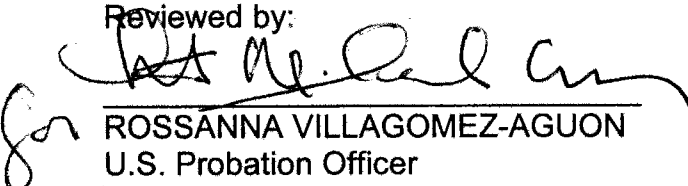
Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Karon V. Johnson, AUSA
John Tarantino, Defense Counsel
File